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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,120	12/28/2000	Dean A. Seifert	WEST 0103 PUS	6714
22045 7590 06/26/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
KAZDML, HANI M				
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3691				
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06/26/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/751,120

**Applicant(s)**

SEIFERT ET AL.

**Examiner**

Hani Kazimi

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 5 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 8-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/02)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This communication is in response to Applicant's amendment filed on march 10, 2008. Claims 1, 2, 5 and 8-26 are pending. The rejections are as stated below.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2, 5, 8-26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1-51 of U.S. Patent No. 6,488,203 in view of Shafiee et al., U.S. Patent No. 6,771,766). Although the conflicting claims are not identical, they are not patentably distinct from each other because they recite means or steps that are substantially the same and that would have been obvious to one of ordinary skill in the art.

Claims 1-2, 5, 8-26 essentially repeat all the features listed in the Patent listed above, such as transferring money between a sender and a recipient includes the receipt of identifying information provided by the recipient, compare that information with transaction information stored on a host computer, providing a code if the identifying information matches the information stored on the computer of the sender, receiving the code information at the host computer from a dispensing terminal, allowing funds to be transferred by the dispensing terminal if the code is verified.

Claims 1-2, 5, 8-26, further recite the additional use of a kiosk agent, which does not appear in the claims of the above-mentioned Patent.

However, Shafiee et al. (United States Patent Number 6,771,766 B1) teach the use of live agents at kiosks in order to assist customers to complete transactions (column 2, lines 9-23).

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use live agents at a kiosk in order to assist a customer to complete a transaction, because it greatly improves the efficiency of the system and provides the user with assistance in conducting transactions, and a system that is user friendly.

Claims 1-2, 5, 8-26, further recite the additional use of different forms of security codes such as a symbol, an image, or sound, which does not appear in the claims of the above-mentioned Patent security codes in the form of a symbol, an image, or a sound are old and well known in the art.

Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to use security code in the form of a symbol, an image, or a sound, because it enhances operational efficiency, capturing data is faster and more accurate, mistakes are minimized, and provides the user with a system that is more efficient and user friendly.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 5 and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcous et al (USPN 5650604) in view of Shafiee et al (USPN 6771766).

Claims 1, 2, 5 and 17, Marcous discloses a method and a corresponding system for electronically transferring funds between a sender and a recipient (abstract) comprising the steps of; receiving at an initiating terminal a designation of an amount of funds to be electronically transferred from an account of the sender (fig. 3, 310); receiving at the initiating terminal a security code from the sender (fig. 3, 320); generating a unique personal identification number (fig. 3, 350); providing the unique personal identification number to the sender (fig. 3, 350); storing the designation of an amount of funds, the security code and the unique personal identification number at a central terminal in communication with the initiating terminal (column 7, lines 43-65); *providing a kiosk or dispensing terminal* (abstract); debiting from the sender's account an amount corresponding to the designation of an amount of funds (fig. 2, and column 6, line 56 thru column 7, line 16); receiving the unique personal identification number

and the security code at the kiosk from the recipient after the debiting step; communicating the unique personal identification number and the security code provided by the recipient to the central terminal; comparing the unique personal identification number and the security code provided by the recipient to the stored unique personal identification number and stored security code at the central terminal (fig. 4, and column 9, lines 12-67); and dispensing funds corresponding to the designation of an amount of funds at the manned kiosk by the kiosk agent if the unique personal identification number and the security code provided by the recipient match the stored unique personal identification number and the stored security code (fig. 4, and column 9, lines 12-67).

The sole difference between the primary reference and the claimed subject matter is that Marcous fails to teach the use of a manned kiosk. Shafiee teaches the use of a kiosk agent (live agents at kiosks in order to assist customers to complete transactions) (column 2, line 9-23, column 5, lines 57-64, and column 14, line 32 thru column 15, line 21).

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rest not on any individual element or function but in the very combination itself- that is in the substitution of the manned kiosks of Shafiee for the dispensing terminal of Marcous. Thus, the simple substitution of one known element for another (the technical ability exists) producing predictable results renders the claim obvious.

Claims 8, 9, 13, 21 and 26, Marcous fails to teach the use of a scanning device. Shafiee teaches a scanning device for receiving the security code from a user. It would have been obvious to one of ordinary skilled in the art at the time Applicant's invention was made to modify the teachings of Marcous to include a scanning device for receiving the security code, because it saves the sender time by avoiding manual entry of the security code.

Claims 10-12, 18-20 and 23-25, Marcous fails to teach that the security code comprises a symbol, sound or an image. Marcous teaches security code. Since, security is of paramount importance in safeguarding the senders security code, businesses have resorted to many different techniques of obtaining user security code for authentication purposes such as biometrics, voice recognition, iris print or fingerprints. This practice is well known in the business and would follow in the electronic fund transfer as well so that users have greater confidence that the security code would not be compromised.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made, to pick sound, symbol or image codes and incorporate it into the system of Marcous since the technical ability existed to substitute these components as claimed and the result of the substitution is predictable.

Claims 14-16 and 22 are rejected using the same rationale as in claim 1. Furthermore, Marcous teaches an alternative embodiment whereby the initiating



terminal is equipped with the capability to accept cash directly into the mechanism (col. 10, lines 23-36). It would have been obvious to one of ordinary skill that this embodiment is carried out without debiting an account of the sender since the sender can optionally use cash.

### ***Response to Arguments***

Applicant's arguments filed on March 10, 2008 have been fully considered but they are not persuasive. Applicant's argument regarding the claims are addressed in the claims rejection above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691